

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELSA GULINO, MAYLING RALPH, PETER WILDS, :
and NIA GREENE, on behalf of themselves and all others :
similarly situated, : 96 Civ. 8414 (KMW)
:

Plaintiffs, :

- against - :

THE BOARD OF EDUCATION OF THE CITY :
SCHOOL DISTRICT OF THE CITY OF NEW YORK, :

Defendant. :

PROPOSED
CONSENT ORDER
AND
JUDGMENT
FOR
THERESA
HARDAWAY

----- X

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Theresa Hardaway ("Claimant") is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008];

WHEREAS, the Board of Education of the City School District of the City of New York ("BOE") and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the "Classwide Exhibits") filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Theresa Hardaway (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Theresa Hardaway pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Theresa Hardaway.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Theresa Hardaway (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Theresa Hardaway will have judgment against the BOE in the amount of \$129,867.00, consisting of:

1. Backpay in the amount of \$83,596.00;
2. Tax-component award in the amount of \$9,823.00;
3. LAST Fees in the amount of \$340.00;
4. CAR Award in the amount of \$1,881.00;
5. Pre-judgment interest calculated to be \$34,227.00; and
6. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Theresa Hardaway her judgment pursuant to the following schedule, with each of the various types of monetary damages paid pro rata in each payment:

1. \$64,933.50 no later than February 28, 2023;
2. \$21,644.50 no later than September 30, 2024;
3. \$21,644.50 no later than September 30, 2025; and
4. \$21,644.50 no later than September 30, 2026.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Theresa Hardaway will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Theresa Hardaway's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Theresa Hardaway; and
 - c. Grant Theresa Hardaway retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

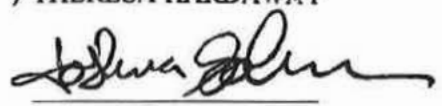
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

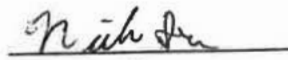
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 12/7/22

STIPULATED AND AGREED UPON BY:


THERESA HARDAWAY


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Dated: 2/13/2023

ENTERED

/s/ Kimba M. Wood